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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,843	12/18/2001	Donald L. Swihart	10313US01 (EKC 90093)	1829
1333	7590	03/23/2006	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			MILIA, MARK R	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/024,843	<b>Applicant(s)</b> SWIHART, DONALD L.	
	<b>Examiner</b> Mark R. Milia	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10,12,18-20 and 24 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,12,18-20 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 1/3/06 and has been entered and made of record. Currently, claims 10, 12, 18-20, and 24 are pending.

### ***Allowable Subject Matter***

2. The indicated allowability of claims 10, 12, 18-20, and 24 is withdrawn in view of the newly discovered reference(s) to Parker et al. (US 6128097). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 12, 18-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodwick in view of Parker.

Regarding claim 10, Lodwick discloses a method comprising: constructing a reference grid on a reference printing system (see Fig. 4, column 5 lines 44-46, column 6 lines 8-35, and column 9 lines 54-62), constructing a scaling grid on a scalable printing system (see Fig. 5, column 6 lines 1-4 and 42-63, and column 9 lines 54-62, reference states that the second calibration sheet can be on any other printer than that used to print the first reference sheet which is analogous to the claim limitation), comparing the reference grid to the scaling grid (see Fig. 6, column 5 lines 46-54, column 7 lines 33-56, and column 9 lines 30-36), determining a scaling factor as a function of the comparison (see column 7 lines 33-56 and column 9 lines 36-40 and 54-55, reference states that the invention can be used to measure and adjust scaling parameters, therefore anticipating the claim limitation), wherein constructing the scaling grid comprises: constructing a reference line on a medium (see Figs. 4-6 and column 6 lines 8-23).

Lodwick does not disclose expressly constructing a first metric line and a second metric line on the medium parallel to the reference line, the first metric line closer to the reference line than the second metric line by an offset distance.

Parker discloses constructing a reference line on a medium (see Figs. 8 and 9 and column 9 lines 5-19) and constructing a first metric line and a second metric line on the medium parallel to the reference line, the first metric line closer to the reference line than the second metric line by an offset distance (see Figs. 8-11, column 5 lines 14-41, and column 9 lines 5-41).

Regarding claim 12, Lodwick discloses a method comprising constructing a reference grid on a reference printing system (see Fig. 4, column 5 lines 44-46, column 6 lines 8-35, and column 9 lines 54-62), constructing a scaling grid on a scalable printing system (see Fig. 5, column 6 lines 1-4 and 42-63, and column 9 lines 54-62, reference states that the second calibration sheet can be on any other printer than that used to print the first reference sheet which is analogous to the claim limitation), comparing the reference grid to the scaling grid (see Fig. 6, column 5 lines 46-54, column 7 lines 33-56, and column 9 lines 30-36), determining a scaling factor as a function of the comparison (see column 7 lines 33-56 and column 9 lines 36-40 and 54-55, reference states that the invention can be used to measure and adjust scaling parameters, therefore anticipating the claim limitation), wherein comparing the reference grid to the scaling grid comprises: laying one of the reference grid and the scaling grid atop the other of the reference grid and the scaling grid (see Figs. 4-6, abstract, column 5 lines 44-48, column 6 lines 64-66, column 8 lines 57-60, and column 9 lines 30-33), aligning a reference line on the reference grid with a reference line on the scaling grid (see Fig. 4 (181) and column 7 lines 4-5), and determining which of a plurality of metric lines on the scaling grid most closely aligns with a metric line on the reference grid (see Figs. 5 and 6, column 6 line 51-column 7 line 53, and column 9 lines 30-40 and 54-62).

Lodwick does not disclose expressly wherein determining a scaling factor as a function of the comparison comprises observing a scaling number that corresponds to the metric line on the scaling factor grid that most closely aligns with the metric line on the reference grid.

Parker discloses determining a scaling factor as a function of the comparison comprises observing a scaling number that corresponds to the metric line on the scaling factor grid that most closely aligns with the metric line on the reference grid (see Figs. 8-11, column 5 lines 14-41, and column 9 lines 5-41).

Regarding claim 18, Lodwick discloses a system comprising: a reference grid comprising: a first medium (see Fig. 4 (180) and column 4 lines 28-30), a first reference line constructed on the first medium (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal reference lines (187) and (189) and (186) and (188) respectively), and a first metric line constructed on the first medium parallel to the first reference line and a first distance from the first reference line (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal lines used in the measuring process (183) and (185) and (182) and (184) respectively, which is analogous to the claim limitation), a scaling grid comprising: a second medium (see Fig. 5 (190) and column 4 lines 28-30), a second reference line constructed on the second medium (see Fig. 5 (195) and (198) and column 6 lines 42-64), a second metric line constructed on the second medium parallel to the second reference line and a second distance from the second reference line (see Fig. 6 (195) and (198) and column 6 line 64-column 7 line 53).

Lodwick does not disclose expressly a third metric line constructed on the second medium parallel to the second reference line and a third distance from the second reference line, a first scaling number constructed on the second medium

proximal to the second metric line, and a second scaling number constructed on the second medium proximal to the third metric line.

Parker discloses a third metric line constructed on the second medium parallel to the second reference line and a third distance from the second reference line, a first scaling number constructed on the second medium proximal to the second metric line, and a second scaling number constructed on the second medium proximal to the third metric line (see Figs. 8-11, column 5 lines 14-41, and column 9 lines 5-41).

Regarding claim 19 Lodwick discloses a system comprising: a reference grid comprising: a first medium (see Fig. 4 (180) and column 4 lines 28-30), a first reference line constructed on the first medium (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal reference lines (187) and (189) and (186) and (188) respectively), and a first metric line constructed on the first medium parallel to the first reference line and a first distance from the first reference line (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal lines used in the measuring process (183) and (185) and (182) and (184) respectively, which is analogous to the claim limitation), a scaling grid comprising: a second medium (see Fig. 5 (190) and column 4 lines 28-30), a second reference line constructed on the second medium (see Fig. 5 (195) and (198) and column 6 lines 42-64), a second metric line constructed on the second medium parallel to the second reference line and a second distance from the second reference line (see Fig. 6 (195) and (198) and column 6 line 64-column 7 line 53).

Lodwick does not disclose expressly a third reference line constructed on the first medium perpendicular to the first reference line and a third metric line constructed on the first medium parallel to the third reference line and a third distance from the third reference line.

Parker discloses a third reference line constructed on the first medium perpendicular to the first reference line and a third metric line constructed on the first medium parallel to the third reference line and a third distance from the third reference line (see Figs. 8-11, column 5 lines 14-41, and column 9 lines 5-41).

Regarding claim 20, Lodwick discloses a system comprising: a reference grid comprising: a first medium (see Fig. 4 (180) and column 4 lines 28-30), a first reference line constructed on the first medium (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal reference lines (187) and (189) and (186) and (188) respectively), and a first metric line constructed on the first medium parallel to the first reference line and a first distance from the first reference line (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal lines used in the measuring process (183) and (185) and (182) and (184) respectively, which is analogous to the claim limitation), a scaling grid comprising: a second medium (see Fig. 5 (190) and column 4 lines 28-30), a second reference line constructed on the second medium (see Fig. 5 (195) and (198) and column 6 lines 42-64), a second metric line constructed on the second medium parallel to the second reference line and a second distance from the second reference line (see Fig. 6 (195) and (198) and column 6 line 64-column 7 line 53).



Lodwick does not disclose expressly a third reference line constructed on the second medium perpendicular to the second reference line and a third metric line constructed on the second medium parallel to the third reference line and a third distance from the third reference line.

Parker discloses a third reference line constructed on the second medium perpendicular to the second reference line and a third metric line constructed on the second medium parallel to the third reference line and a third distance from the third reference line (see Figs. 8-11, column 5 lines 14-41, and column 9 lines 5-41).

Regarding claim 24, Lodwick discloses a method comprising: determining a scaling factor as a function of a comparison of a reference image printed on a reference printing system and a scaling image printed on a scalable printing system (see column 5 lines 44-54, column 6 lines 1-4 and 64-66, column 8 lines 57-60, column 9 lines 18-21, 30-40, and 54-62) and applying the scaling factor to the scalable printing system (see column 7 lines 33-56 and column 9 lines 36-40 and 54-55).

Lodwick does not disclose expressly printing part of an image on the reference printing system, and printing another part of the image on the scalable printing system, and wherein the scaling image comprises a reference line on a medium, and a first metric line and a second metric line on the medium parallel to the reference line, the first metric line closer to the reference line than the second metric line by an offset distance.

However, Applicant's specification discloses that the use of a digital printing system to print part of a document and an analog printing system to print the rest of the document is known and used in the art (see page 2 lines 8-17).

Parker discloses wherein the scaling image comprises a reference line on a medium, and a first metric line and a second metric line on the medium parallel to the reference line, the first metric line closer to the reference line than the second metric line by an offset distance (see Figs. 8-11, column 5 lines 14-41, and column 9 lines 5-41).

Lodwick & Parker are combinable because they are from the same field of endeavor, calibration of printing systems using reference grids.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the construction of reference and metric lines with associated scaling numerals, as described by Parker, with the system of Lodwick.

The suggestion/motivation for doing so would have been to accurately calibrate a printing system in which no external calibration standard is required and a system in which calibration can be done on any brand and model of marking device (see column 6 lines 14-37 of Parker).

Therefore, it would have been obvious to combine Parker with Lodwick to obtain the invention as specified in claims 10, 12, 18-20, and 24.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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